

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VINCENT THOMAS,  
Petitioner,

v.

JEROME W. WALSH,  
Superintendent, et al.,  
Respondents.

CIVIL ACTION

NO. 13-4759

**FILED**

DEC 30 2013

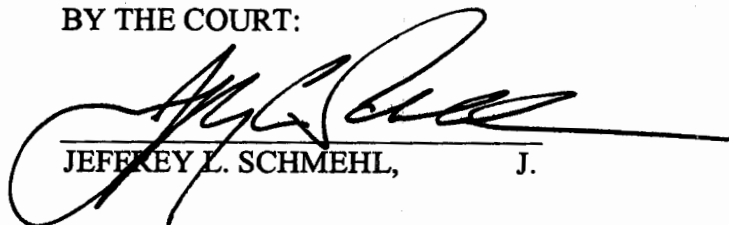
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 11<sup>th</sup> day of December, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

  
JEFFREY L. SCHMEHL, J.